

REMARKS

The Office Action of January 20, 2006 was received and reviewed. The Examiner is thanked for his consideration of this application. Reconsideration and withdrawal of the currently pending rejections are requested for the reasons advanced in detail below.

Claims 1-13 and 18-23 are pending for consideration, of which claims 1, 5, 9, 13 and 18 are independent.

Referring now to the detailed Office Action, claim 19 stands objected there is no antecedent basis for "the contact hold" on line 8 of the claim. In response, Applicants have amended claim 19, as show above, to change "the contact hole" to "a contact hole".

Claims 1-13, 18 and 21-22 stand rejected under 35 U.S.C. §102(e) as anticipated by Sakurai (U.S. Publication No. 2003/0052597 A1 – hereafter Sakurai). Further, claims 19 and 23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sakurai in view of Kimura (U.S. Publication No. 2002/0011799 A1 – hereafter Kimura). These rejections are respectfully traversed at least for the reasons provided below.

In the rejection of claims 1-13, 18 and 21-22, the Examiner contends that Fig. 3 of Sakurai anticipates the limitations of claim 1, 5 and 9. For example, the Examiner alleges that Applicants' second film corresponds to a lower portion of 253 in Fig. 3 of Sakurai. As another example, Applicants' third film allegedly corresponds to an upper portion of 253 in Fig. 3 of Sakurai. However, Applicants respectfully submit that these allegations are not insupportable. In order to compare and contrast Applicants' claimed invention with that of Sakurai, Applicants will now explain the claimed feature by citing specific structural members shown in the drawings.

Applicants' invention of claim 1, for example, include the following structural elements:

A wiring (108a in Fig. 1) formed on a first film (107 in Fig. 1);

A second film (114 in Fig. 1) formed of the same layer as the wiring on the first film;

A third film (109 in Fig. 1) formed over the first film;

A contact hole provided in the third film;

An electrode (110 in Fig. 1) of a light-emitting element formed on the third film; and

A fourth film (111 in Fig. 1) covering an edge of the electrode of the light-emitting element,

wherein the electrode of the light-emitting element is formed so that at least a portion of the electrode of the light-emitting element is overlapped with the second film,

wherein the wiring (108a in Fig. 1) is connected with the electrode (110 in Fig. 1) of the light-emitting element in the contact hole,

wherein an opening of the fourth film is provided in an overlap portion of the electrode of the light-emitting element and the second film, and

wherein a contact hole of the third film is overlapped with the fourth film.

The above-mentioned features of the claim 1 can be found in the specification in page 7 line 4 to page 9 line 19, for example. According to the claimed invention, by providing the second film, a surface of the first film can be prevented from becoming rough due to over-etching of the wiring and forming unevenness at the surface of the first film. In addition, in the case where unevenness is formed at the surface of the second film, whereby the planarization of the surface of the third film becomes necessary, the planarization of the third film is made easier by making the second film to have a film thickness equal to or thicker than that of the wiring. This is because the surface of the third film has a height increased by providing the second film to enable local planarization of the surface of the third film in an overlapping portion of the second film and the third film, as disclosed in the specification on page 3, lines 18 to page 4, line 1.

According to the above, the second film and the third film of the presently claimed invention should be and are construed as different films that are distinct from each other. In contrast with Applicants' claimed second and third films, the Examiner improperly regards protection film 253 of Sakurai as both the first film and second film.

Consequently, since each and every feature of the present claims is not taught (and is not inherent) in the teachings of Sakurai, as is required by MPEP Chapter 2131 in order to establish anticipation, the rejection of claims 1-13, 18 and 21-22, under 35 U.S.C. §102(e), as anticipated by Sakurai is improper.

With respect to the §103(a) rejection of claims 19 and 23, Applicants respectfully assert that Sakurai's light-emitting device is different from the present invention, as discussed above, and Sakurai, as well as Kimura, fails to teach, disclose or suggest at least a second film and a third film. Hence, the combination of Sakurai with Kimura is also improper.

In view of the foregoing, it is respectfully requested that the rejections of record be reconsidered and withdrawn by the Examiner, that claims 1-13 and 18-23 be allowed and that the application be passed to issue. If a conference would expedite prosecution of the instant application, the Examiner is hereby invited to telephone the undersigned to arrange such a conference.

Respectfully submitted,



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